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CrI.O.P.No.12811 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.12811 of 2023

Kalidkhan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCB - II (Cyber Crime) Police Station,
Villupuram District.

(Crime No.31 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime No.31
of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Natarajan

For Respondent : Mr. C.E.Pratap
Government Advocate (CrI. Side)



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Crl.O.P.No.12811 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2023, for the offences punishable under Sections 420, 465, 468, 405 of IPC and Section 66 C of Information Technology Act, 2006, in Crime No.31 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant namely Santhosh Kumar is that the accused had illegally sold the SIM cards, by misusing his Aadhaar card, in order to reach the target. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner (A2) is an innocent person, aged about 25 years and he has been falsely implicated in this case. He also submitted that the petitioner is a Territory Sales Executive under the Service Provider namely Vodafone India Limited and he was no way connected with the alleged offence. He further submitted that the petitioner has been implicated in this case only based on the confession recorded from the first accused. He also submitted that the petitioner is languishing in judicial custody from 08.05.2023. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the



petitioner.

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4. The Respondent has filed a detailed counter.

5. Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner (A2), who is a Territory Sales Executive working under the Service Provider namely Vodafone India Limited, in collusion with other accused, had illegally sold the SIM cards by forging the de-facto complainant's Aadhar card with the photo of A1's son in order to achieve the target. He also submitted that during the investigation, it came to light that 17 fake SIM cards in the name of seven persons have been found and it has also been confirmed that the face of A1's son was found in all the prepaid customer Digital KYC application form pertaining to the 17 fake SIM cards. He also submitted that 3 SIM cards were seized from A1 and 2 were seized from A2 and he further submitted that on verification, no illegal or suspicious activities were committed using these SIM cards. However, he opposed for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned



Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Villupuram**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence



CrI.O.P.No.12811 of 2023

or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

14.06.2023

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To

1. The Judicial Magistrate No.I,
Villupuram District.
2. The Inspector of Police
CCB - II (Cyber Crime) Police Station,
Villupuram District
3. The District Jail,
Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.12811 of 2023

14.06.2023